

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BOBBY JOE GATLIN,

Petitioner,

v.

SUPERINTENDENT HOLBROOK,

Respondent.

NO: CV-11-3124-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DIRECTING PETITION BE FILED AS
MOTION TO AMEND IN CV-10-
3046-CI

Magistrate Judge Hutton filed a Report and Recommendation on January 9, 2012, recommending Mr. Gatlin's habeas corpus petition be construed as a Motion to Amend the Petition in cause number CV-10-3046-CI, and filed as such. *See Woods v. Carey*, 525 F.3d 886, 890 (9th Cir. 2008). There being no objections, the court **ADOPTS** the Report and Recommendation.

IT IS ORDERED the District Court Executive shall **FILE** the Petition, *nunc pro tunc*, as a Motion to Amend Petition in CV-10-3046-CI. The District Court Executive shall **FILE** this Order in both cause numbers CV-11-3124-JPH ORDER ADOPTING REPORT AND RECOMMENDATION AND DIRECTING PETITION BE FILED AS MOTION TO AMEND IN CV-10-3046-CI -- 1

1 and CV-10-3046-CI, forward copies to Petitioner and to counsel for Respondent in
2 cause number CV-10-3046-CI, and administratively close cause number CV-11-
3 3124-JPH. Petitioner is responsible for noting his Motion for hearing in cause
4 number CV-10-3046-CI as required by LR 7.1(h), Local Rules for the Eastern
5 District of Washington.

6 **DATED** this 27th of January 2012.

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8 *s/ Rosanna Malouf Peterson*
9 ROSANNA MALOUF PETERSON
10 Chief United States District Court Judge
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